

CHAPTER 12

DETENTION FACILITIES

SECTION 1. POLICIES

12101. LIMITATIONS

1. Detention facilities are shore spaces that are used only to temporarily detain personnel apprehended by military authorities, or turned over to the military by civilian authorities. Authority to arrest/confine is listed in article 7201. Personnel should be detained/confined in detention cells only for short periods of time and should be transferred to the nearest brig or correctional facility as soon as it is feasible. The limited use of detention facilities requires the selected application of the provisions of this manual. The following articles are provided to clarify the requirements of this manual as they apply to detention facilities. With the exception of the clarifications presented in this chapter the articles of this manual shall be strictly applied to detention facilities.

2. Article 2101.3 identifies the 3 types of detention facilities: the detention space, the holding cell and the pretrial confinement facility.

12102. PHYSICAL PLANT

1. Authorization. Detention facilities shall be made operational as set forth in article 2101.3 of this manual.

2. Number and Location. The number of cells required by an activity depends upon the population served; however, at least two usable cells should normally be available in each detention facility. Detention facilities must provide segregation for males and females. Where possible, cells should be located near the security watch desk, but sufficiently removed so as not to hamper normal operation or be accessible to casual visitors. Cells should not be located below ground level nor in upper stories requiring the use of stairs.

3. Other Facilities.

a. Military. The detention facilities of another service may be utilized, if that service agrees and if such facilities meet the standards prescribed herein for naval detention facilities.

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b. Civilian. If military facilities are not available, personnel may be detained in civilian facilities utilized by the U.S. Department of Justice. The nearest U.S. Marshal's office will have a list of these facilities. Use of civilian facilities must be justified by attendant circumstances. All expenses incurred by Navy prisoners/detainees must be borne by the command placing the person in the civilian facility. Confinement expenses for Marine Corps prisoners/detainees will be provided as prescribed in reference (i). If a civilian confinement facility is used, approval must be obtained from the second echelon commander within 2 work days after confinement in order to continue confinement in the civilian facility.

4. Size. Single occupancy cells are preferred. Minimum inside dimensions and construction will conform to MIL-HDBK 1037/4 (NOTAL) for new construction, renovation, or alteration. Existing cells will be at least 6 feet wide, 8 feet long and 8 feet high. If multiple occupancy holding cells are used for very short term detention periods (up to 8 hours) each detainee will be provided a minimum of 20 net square feet.

5. Materials and Equipment. If a closed circuit television is installed, it should provide for an oscillating camera, to prevent burning an image on the television screen. Otherwise, the provisions of article 2209.11 apply.

6. Inspections. Detention facilities will be regularly inspected for cleanliness, adequate lighting and ventilation, general repair, security, and safety.

a. Daily security and sanitation inspection of the detention facility shall be made by a senior member of the security staff.

b. The detention facility will be inspected at least monthly by a member of the medical department to ensure the operation of the facility and the physical plant meet accepted health and environmental standards, and that detained personnel are provided adequate health services. A record of all inspections shall be entered in the detention facility's daily log.

c. Detention facilities will be conducted annually in accordance with article 1201.5. If use is infrequent they should be disestablished. The senior officer can designate a space for temporary detention on an as needed basis.

7. Meals. Meals will be provided at regular meal hours for personnel detained beyond 6 hours. Detainees believed to present a security risk will be fed in their cells.

8. Showers. Shower access will be provided daily to any detainee held over 24 hours if behavior is satisfactory.

12103. STAFF

1. Staffing. Detainees will be closely supervised during the time they are in detention facilities by qualified and trained staff. In the event of detention overnight, or in excess of 12 hours, appropriate bedding shall be issued. Detention cells should be located so that continuous supervision from the security watch desk is possible. If continuous supervision is not possible, a security supervisor must be stationed in the cell area or a closed circuit television used. However, a visual check of the detained personnel shall be made at least once each 30 minutes, and recorded on the DD 509. These checks shall be at shorter intervals if the situation demands, e.g., indications of suicidal ideation, drug/alcohol abuse, or other strange behavior. No person shall enter occupied detention cells or remain in their immediate proximity wearing firearms, nightsticks, or other weapons.

2. Training

a. Personnel assigned to supervise a detention facility will complete training as specified by the Chief of Naval Personnel (Pers-84) or the Commandant of the Marine Corps (Code MHC) as appropriate. If short term detainees are to be supervised by personnel from their division, the detention facility staff will instruct these supervisors in detention cell supervision, and will provide them with written post orders.

b. Personnel assigned to a Pretrial Confinement Facility will possess the NEC 9575 or MOS 5831, Corrections Specialist. Each Pretrial Confinement Facility will have one Correctional Counselor (NEC 9516 or MOS 5832) on the staff manpower authorization.

3. Force. No individual will be permitted to supervise a detention facility until he or she has received instructions on applicable regulations relating to the use of force in the performance of such duties. In addition, instruction will be given periodically to all personnel assigned to these duties to ensure that they continue to be thoroughly familiar with all restrictions on the use of force.

12104. CONTROL

1. Violent Detainees. If an individual becomes violently aggressive, or indicates suicidal tendencies, instruments of

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restraint may be used. Such actions shall be reported immediately to the commanding officer or command duty officer and medical department. Under no circumstances may an individual be chained, handcuffed, or tied to any cell fixture or stationary object. Restraints will not be continued beyond 4 hours without medical or commanding officer authorization.

2. Emergency Measures. Detailed emergency bills will be prepared to ensure the safety of detainees in the event of fire or disorder. First aid kits and fire extinguishers shall be located so as to be accessible in the event of emergency but not immediately adjacent to cells. Extinguishers utilizing carbon dioxide are discouraged except when required by fire inspection/fire marshal.

3. Force. Use of force will conform to articles 3402, 4402, 4403, and 4404 of this manual.

12105. PROGRAMS

1. If detainees are to be confined in a cell for longer than 24 hours, one hour of physical exercise will be provided daily. Scheduling will depend upon the availability of supervisors and a secured space for the exercise.

2. Programs for Pretrial Confinement Facilities are the same as specified in Chapter 6 of this instruction, limited to the degree necessary by facility use level, remoteness, and command resources. Major claimants will review this area during the annual inspection to insure optimum provision of programs and to determine appropriate local requirements.

12106. RECORDS AND REPORTS

1. Log. A detention facility log shall be maintained as outlined in articles 8101.4 and 8104. When an individual is placed in detention, the log will show the reason for detention, the date and time of detention, and the name and grade of the person ordering the detention. All events of significance and daily routine will be noted in the log.

2. File. An abbreviated file shall be kept for 2 years on each person confined in a detention facility. The file will contain the following records:

- a. Confinement Order (NAVPERS 1640/4).
- b. Inspection Record of Prisoner in Segregation (DD 509).

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c. Prisoner Inventory and Receipt (NAVPERS 1640/17).

d. Prisoner Release Order (DD 367) or Receipt for Prisoner or Detained Person (DD 629).

3. Facilities shall have standard operating procedures and post orders. See articles 3401 and 8305.

12107. ADMINISTRATIVE MATTERS

1. Processing. Personnel shall be thoroughly searched before being placed in detention. Money, valuables, and personal property (other than individual clothing and wedding rings) shall be taken from the individual, inventoried, and secured in a manner similar to procedures set forth in articles 8203 and 8204. Items which could be used to inflict bodily injury, such as belts, shoelaces, neckties, or suspenders, may be taken from the detained person if deemed necessary by the detention facility supervisor.

2. Incidents. Serious incidents or alleged incidents involving detainees shall be reported immediately to the Chief of Naval Personnel (Pers-84) or Commandant of the Marine Corps (Code MHC) as applicable. (See article 8115.2.)

SECTION 2. DETENTION POLICIES

12201. DETENTION. Persons may be detained only if there has been a violation of the UCMJ. Under no circumstances may an individual be placed in detention for "protective custody," "safekeeping," or any other such general charge when no violation of the UCMJ is indicated. See article 7102. Court-martialed personnel should not normally be placed in cells with detainees.

1. Authorization. No person shall be confined in a detention facility without a properly executed Confinement Order (NAVPERS 1640/4) or the Arresting Officer's Incident/Complaint Form (DD 1569). If the incident form is used, a Confinement Order is required when detention continues beyond 24 hours.

2. Medical Examination. If an individual appears to be ill, requests medical attention, or exhibits an abnormal loss of control because of suspected or actual use of alcohol, marijuana or other drugs, he or she shall be examined by medical personnel and certified as being fit for confinement prior to being placed in detention. Otherwise, a person may be detained for up to 24 hours before a medical examination. No person shall be detained beyond 24 hours without a medical examination as prescribed in article 7205. Any suspicion or detection of alcohol or other

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narcotics will be entered in the facility's log by the detention facility supervisor at the earliest time of suspicion or detection, and a medical examination requested at that time.

3. Length of Detention. Detention in holding cells shall not exceed 24 hours, except in unusual circumstances, and then only with the express approval in each instance of the commanding officer of the installation where such a facility is located, or his or her designated representative. An individual shall not remain in detention more than 72 hours except in an emergency, nor may an individual be placed in detention for 72 hours, taken out, and returned for 72 hours, on the same charges. (See article 2101.3) The Initial Reviewing Officer Program applies to all pretrial confinements.

4. Pretrial or post-trial personnel may be confined in a holding cell for more than 72 hours under the following conditions:

a. When an individual has been sentenced to confinement by a court-martial, and is pending transfer to a confinement facility.

b. When an individual has been placed in confinement in a confinement facility, and is moved to, and confined in, a detention facility, for the purpose of appearing as a witness or as the accused in a court-martial proceeding.

c. When a general court-martial authority deems it necessary to retain an accused locally, during progress of a court-martial, in the absence of a brig. After trial, if the sentence as adjudged includes confinement, the member shall be transferred to a confinement facility within 72 hours. The written permission of either the installation commanding officer or the general court-martial authority, as appropriate, must be obtained before an individual can be held for more than 72 hours in pretrial confinement status in a holding cell or detention space. Time spent in a detention under these circumstances is considered and counted as pretrial or post-trial confinement, as appropriate.

5. Persons of either sex may be confined in a detention facility as long as the conditions of article 7103.2 are followed.

6. Detention facilities will not be used to confine persons under the influence of alcohol or narcotics, except for brief periods of time (not to exceed 4 hours) necessary for command representatives or medical personnel to arrive and assume custody. During such brief periods, constant surveillance must be maintained to monitor the behavior and physical condition of such persons.

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12202. RELEASE. On release from detention, all money, valuables, and other personal property taken from the detainee will be returned, and receipted for by the owner. If the detainee is released to the custody of another, that person will sign a DD 629 (Receipt for Prisoner or Detained Person) and will sign for the personal property envelope. A detainee released on his or her own cognizance shall be directed to return to his or her unit, or other appropriate command, after being issued a Report of Disposition of Offense(s) (NAVPERS 1626/7), where necessary. An entry shall be made in the log to reflect the date and time of release, and the disposition of the detainee. One copy of the DD 629, Technical Arrest Order (TAO), or DD 367 as appropriate, and the receipt for personal property shall be retained on file for 2 years by the unit operating the detention facility.

12203. TRANSFER. A DD 629 (Receipt for Prisoner or Detained Person) will be used for all transfers from detention facilities to other confinement facilities. The following records will be transferred with the detainee:

1. Confinement Order (NAVPERS 1640/4)
2. Request and Receipt for Health and Comfort Supplies (DD 504)
3. Inspection Record of Prisoner in Segregation (DD 509)
4. A copy of court-martial orders designating a confinement facility as the place of confinement.